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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,882	08/20/2001	Choong Hung Viktor Cheng	P21293	4043

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,882

Applicant(s)

CHENG ET AL.

Examiner

Marc R. Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☒ Claim(s) 47 and 51-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

32.0.0.

Response to Amendment

This Action is responsive to Applicant's response filed on March 1, 2005 wherein claims 1-29 are cancelled and new claims 30-58 are submitted for examination.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Claim Objections

Claim 47, 51-53 is objected to because of the following informalities:

Claim 47 is objected to because the subject matter of claim 30 should be written into claim 47 to comply with the format of the remaining claims.

Claims 51-53 depend from claim 47 and are therefore objected to for the same informalities as claim 47.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30-46 and 54-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Reilly et al (U.S. Patent No. 5,740,549).

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Regarding claims 30, 55 and 57, Reilly discloses a system, program and method of generating a user personalized filter for processing files, the method comprising the steps of (fig. 4, item 194):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile (fig. 2, item 194), the profile comprising one or more topics, at least one keyword and at least one text document being associated with each topic (fig. 5, item 223, *Football news* and col. 9, lines 51-55);

employing processing software operated by the server to generate, for each topic, a filter from the associated keywords and text documents (fig. 5, item 222).

Regarding claims 31, 32 and 35, Reilly discloses documents comprise at least one first text document consisting only of text (fig. 2, item 183), and at least one second text document comprising both text and at least one multimedia file (fig. 2, item 190), the step of generating the filter operating on at least the text portion of the second text document (fig. 5, item 222).

Regarding claim 33, Reilly discloses the user inputs at least one text document (fig. 5, item 222, *Hockey news*).

Regarding claim 34, Reilly discloses user inputs a location of a text document (fig. 1, item 102, *User Interface*), and an application program operated by the server (fig. 1, item 104, *Server*) downloads the text document (col. 13, lines 28-31, and col. 14, lines 36-40).

Regarding claim 36, Reilly discloses a keyword is a single or a combination of natural language words (fig. 5, *49ers*, *Rams*)

Regarding claims 37-39, Reilly discloses tools perform at least one of the operations of i. creating, ii. updating and inputting (col. 7, lines 45-48).

Regarding claims 40 and 41, Reilly discloses a numeric and default parameter for processing (fig. 4, item 219 and fig. 5, item 223).

Regarding claims 42-44, 56 and 58, Reilly discloses a system, program and method of generating a user personalized filter for processing files, the method comprising the steps of (fig. 4, item 194):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile by inputting data (fig. 2, item 194), said profile comprising input data associated with at least two topics (fig. 5, item 223, *Football news* and *Hockey news*);

employing processing software operated by the server to generate, for each topic, a filter from the respective input data (fig. 5, 222);

(Note: each topic selected comprises user input)

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employing combination software operated by the server to combine the input data from at least two of the topics, and the processing software to generate a new filter based on the combined input data (fig. 5, item 202B).

Regarding claims 45 and 46, Reilly discloses an internet (HTTP) connection (fig. 1, item 119, *Internet Interconnectivity*) between a user computer (fig. 1, item 102, *User*) and server computer (fig. 1, item 104, *Server*).

Regarding claim 54, Reilly discloses performing processes at predetermined time intervals (col. 8, lines 19-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (U.S. Patent No. 5,740,549) in view of Applicant Admitted Prior Art (AAPA).

Regarding claims 47-53, Reilly discloses a system, program and method of processing a plurality of files in a database, including (figures 1 and 9, Reilly):

generating at least one filter according to claim 30;

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(claim 30):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile (fig. 2, item 194), the profile comprising one or more topics, at least one keyword and at least one text document being associated with each topic (fig. 5, item 223, *Football news* and col. 9, lines 51-55);

employing processing software operated by the server to generate, for each topic, a filter from the associated keywords and text documents (fig. 5, item 222).

Reilly further discloses generating filters but does not expressly teach for each filter determining a relevance by comparing the file (document searched) to the filter. Instead, based on user keywords, Reilly system filters out the unrelated files (fig. 5, Reilly).

However, AAPA teaches relevance of data (files or document searched) based on a numerical assessment of the data, and keywords submitted by the user (page 1, lines 22-28, AAPA). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reilly system in view of AAPA by adding to the filter the feature of assessing the relevance of data to filter by using a numerical assessment as done in AAPA. The advantage being that the data (document searched) for each topic could be accepted by the system even if the data did not comprise all the keywords submitted by the user.

Response to Arguments

Applicant's arguments filed March 1, 2005 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on pages 11 and 12 of the 3/1/05 response that Examiner's assertion of Reilly with respect to claim 1 is in error, specifically Applicant argues that figure 2 of Reilly shows components of a client 102, and not server 104. Applicant further argues that in the present invention, the components are operated on the server.

Examiner disagrees. It appears that the Applicant has misunderstood the system taught by Reilly, and has misinterpreted figure 2 of Reilly. Reilly discloses a system wherein remote client computers (102) interact with a server (104) and database (114) stored on the server via internet (119) for information exchange. Reilly teaches the software components represented by figure 2 may represent both, a client workstation or a **server**. If the client is not connected to the server (104) than fig. 2 is representative of client workstation (see col. 6, lines 16-19) as argued by the Applicant, however, **wherein the client workstation is connected to the server (104), fig. 2 is representative of the server (see col. 6, lines 19-21)**. This is further supported by explaining that where the client computer is connected to the server (104), all the items of figure 2 are the server except for the display device which is part of the client computer (see col. 6, lines 19-23).

Applicant argues on pages 13 and 14 of the 3/1/05 response that Reilly does not teach a text document as a filtering parameter.

Examiner disagrees. Applicant claims a "text document being associated with each topic". Applicant further admits that Reilly discloses that "topics are associated with documents stored in the database" (page 13, lines 18 and 19, 3/1/05 response). It appears that there is no disagreement regarding Reilly's text documents and filters (fig. 5, items 222 and 202B).

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Regarding claims 42, 55 and 56, they recite similar features to the above noted features recited in claim 30. No other issues have been raised.

With respect to all the pending claims 30-58, Examiner respectfully traverses Applicant's assertion based on the discussion cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
May 18, 2005


FRANTZ COBY
PRIMARY EXAMINER